

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

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April 4, 2001

Hon. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth St., S.W.  
Washington, D.C. 20554

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APR 5 2001

FCC MAIL ROOM

**Re: Comments Of The New York State Public Service  
Department On The Use Of Unbundled Network Elements To  
Provide Exchange Access Service in CC Docket No. 96-98**

Dear Secretary Salas:

The New York State Department of Public Service ("NYDPS") submits these comments in response to the Federal Communication Commission's ("Commission") Public Notice dated January 24, 2001 in CC Docket No. 96-98. The Commission's Public Notice seeks comment on whether competing carriers ("CLECs") and interexchange carriers ("IXCs") should have access to combinations of unbundled network elements ("UNEs") at cost based prices from incumbent carriers ("ILECs") for the primary purpose of providing exchange access or special access services. The Commission also seeks comment on whether requesting carriers should be permitted to commingle UNEs with tariffed access services purchased from the ILEC.

The NY Commission addressed the methods by which CLECs and IXCs can combine UNEs in New York.<sup>1</sup> On March 24, 1999, the NY Commission issued an order defining the use of expanded extended links ("EELs") containing loops at and above DS1 level to a CLEC's switch handling local exchange traffic.<sup>2</sup> The EEL, consisting of the local loop, local transport and, where required, multiplexing (transmitting two or more signals over a single channel), was

<sup>1</sup> Case Nos. 98-C-0690, 95-C-0657, 94-C-0095 and 91-C-1174, Order Directing Tariff Revisions, rel. March 24, 1999; Order Concerning EEL Connection Charge, rel. May 28, 1999; and, Order Denying Rehearing and Clarifying Primarily Local Traffic Standard, rel. August 10, 1999 (enclosed are copies of these orders).

<sup>2</sup> Id. (DS1 and higher loops are "high capacity" local loops that can handle both local and special access, whereas local loop of less than DS1 cannot handle special access and are therefore, not subject to any use restrictions).

adopted by the NY Commission to allow CLECs to gain access to unbundled local loops in many central offices without the need to collocate.

The NY Commission put limitations on a CLEC's ability to use the EEL as a substitute for special access service exclusively. The EEL pricing may be used for special access service provided the primary use of the loop transport combination is for local exchange service.<sup>3</sup> To ensure that the loop transport combination is being used primarily for local exchange service, the NY Commission adopted a "channel count test".<sup>4</sup>

With regard to commingling special access and UNEs, Verizon permits CLECs to use spare capacity on the local loop for special access as well as local exchange service with no additional recurring charges.<sup>5</sup> Prohibiting commingling forces CLECs to operate two overlapping networks (one for local traffic and one for exchange traffic) which is technically inefficient and therefore should not be encouraged by the Commission.

In sum, the EEL offering approved by the NY Commission to provide CLECs and IXC's access to UNEs is consistent with the universal goal of bringing local competition to residential and small business customers, while avoiding the use of UNEs as a low cost alternative for special access services exclusively.

Respectfully submitted,



Lawrence G. Malone  
General Counsel  
Brian P. Ossias  
Assistant Counsel  
Public Service Commission  
Of The State Of New York  
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Albany, New York 12223-1350

Encl.

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<sup>3</sup> Case Nos. 98-C-0690, 95-C-0657, 94-C-0095 and 91-C-1174, Order Directing Tariff Revisions at p. 8.

<sup>4</sup> Case Nos. 98-C-0690, 95-C-0657, 94-C-0095 and 91-C-1174, Order Denying Rehearing and clarifying Primarily Local Traffic Standard at p. 9 (A CLEC will get EEL rates for the loop, under the channel count test, if it carries local traffic on 50% or more of DS-1 level and above loop channels (of which there are 24 channels) that are connected to a transport facility. The transport facility will qualify for EEL rates if more than 50% of the loop circuits (of which there are 24) are receiving EEL rates. If the channel count test is not met for the transport, then the EEL rates would apply only to those loop channels meeting the standard).

<sup>5</sup> The NY Commission currently has before it a dispute concerning Verizon's obligation to continue permitting commingling based on their interpretation of the Commission's Supplemental Order Clarification (15 FCC Rcd 1760).

CERTIFICATE OF SERVICE

I, Lori Ann Baker, do hereby certify that I will serve on April 4, 2001, the foregoing Request for Rehearing of the Public Service Commission of the State of New York by depositing a copy thereof, first class postage prepaid, in the United States mail, properly addressed to each of the parties of record, indicated on the official service list compiled by the Secretary in this proceeding.

Date: April 4, 2001  
Albany, New York

  
Lori Ann Baker

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
New York on March 16, 1999

COMMISSIONERS PRESENT:

Maureen O. Helmer, Chairman  
Thomas J. Dunleavy  
James D. Bennett

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- CASE 98-C-0690 - Proceeding on Motion of the Commission to Examine Methods by Which Competitive Local Exchange Carriers Can Obtain and Combine Unbundled Network Elements.
- CASE 95-C-0657 - Joint Complaint of AT&T Communications of New York, Inc., MCI Telecommunications Corporation, Worldcom, Inc. d/b/a LDDS Worldcom and the Empire Association of Long Distance Telephone Companies, Inc. Against New York Telephone Company Concerning Wholesale Provisioning of Local Exchange Service by New York Telephone Company and Sections of New York Telephone Company's Tariff No. 900.
- CASE 94-C-0095 - Proceeding on Motion of the Commission to Examine Issues Related to the Continuing Provision of Universal Service and to Develop a Regulatory Framework For the Transition to Competition in the Local Exchange Market.
- CASE 91-C-1174 - Proceeding on Motion of the Commission Regarding Comparably Efficient Interconnection Arrangements for Residential and Business Links.

ORDER DIRECTING TARIFF REVISIONS

(Issued and Effective March 24, 1999)

BY THE COMMISSION:

On July 23, 1998 Bell Atlantic - New York (BA-NY) filed proposed amendments to its P.S.C. No. 916 Telephone tariff designed to implement certain commitments made in its Pre-filing Statement. One important feature of the Pre-Filing Statement is BA-NY's commitment to provide an expanded extended link (EEL) offering to competitive local exchange carriers (CLECs). An EEL

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consists of the local loop, local transport and, where required, multiplexing. This arrangement would permit CLECs with at least some network facilities to gain access to unbundled local loops in many central offices without the need to collocate in each BA-NY central office, thereby enhancing CLECs' ability to vie for local customers.

After reviewing BA-NY's EEL proposal and the comments received thereon, we found BA-NY's proposed tariff restrictions unduly complex, sweeping, and difficult to implement and enforce.<sup>1/</sup> To simplify the EEL offering the Commission solicited further comment and convened a technical conference focusing on alternative staff proposals.

The staff proposals were as follows:

Staff Proposal 1

- (a) EELs must be connected to a CLEC switch that handles local exchange traffic.
- (b) EELs must be used primarily to transmit local exchange traffic.
- (c) EELs may be used to provide private line services without restriction to small business and residence customers, i.e., to those customers with local loop facilities below the DS1 level.

Staff Proposal 2

CLECs would pay the EEL rate for local traffic and the special access/private line rate for usage of that type carried over an EEL.

On November 5, 1998, we issued a Notice inviting comments from interested parties on these two proposals, as well

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<sup>1/</sup> The Commission previously acted on other aspects of the July 23, 1998 tariff amendments in these proceedings in Case 98-C-0690 et al., Order Suspending Tariff Amendments and Directing Revisions (issued January 11, 1999).

as further comment on BA-NY's initial proposed tariff provisions.<sup>1/</sup> The Notice also invited the submission of any additional proposals and convened a technical conference to explore the pragmatic aspects of each alternative, including administrative issues and revenue implications.

### EEL PROPOSALS

#### Parties' Comments

In addition to the comments that were submitted concerning BA-NY's initial EEL proposal, eight parties (see Attachment 1) responded to the Notice. CompTel contends that both staff proposals place unlawful restrictions on CLECs' use of the EEL. It claims that such restrictions violate Section 251(c)(3) of the 1996 Act<sup>2/</sup>, and argues that the second staff proposal violates the Act by mixing UNE rates with retail rates. It also argues that the restrictions contained in both staff proposals will stifle the deployment of new technology by limiting CLECs' ability to use innovative network configurations, and will reduce the usefulness of the EEL offering as a means to extend the reach of CLECs' service offerings.

The Joint Commenters do not address either staff proposal, but rather renew and expand on their objection to any proposed restriction on CLECs' use of the EEL. Specifically, they maintain that BA-NY's proposed offering (i) contains prices that have not been subject to Commission review; (ii) prevents CLECs from providing high-capacity and data services over EEL arrangements; and (iii) places unwarranted restrictions on CLECs' ability to convert private line and special access services to EEL arrangements. Beyond these, the Joint Commenters object to other proposed service and administrative restrictions, such as

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<sup>1/</sup> Case 98-C-0690 et al, Notice Inviting Comments and Concerning A Technical Conference (issued November 5, 1998).

<sup>2/</sup> 47 U.S.C., Section 251(c)(3).

the lack of loop concentration in EEL arrangements, and debate BA-NY's claim that the EEL offering is voluntary.

As in their initial comments, the Joint Commenters renew the argument that the most effective remedy for these deficiencies is for the Commission to declare EEL to be a UNE. The Joint Commenters contend that the Commission has the authority to do so, and that this approach would be superior from a policy perspective to all other options before the Commission concerning EEL.

RCN opposes BA-NY's proposed conditions governing the use of EELs and staff's proposals, arguing that either would violate the 1996 Act and FCC rules, which prohibit restrictions on the use of network element combinations such as the EEL. It strongly objects to Staff Proposal 2, which it interprets as adding charges for exchange access usage to the rates for the EEL components. This, it contends, is inconsistent with the Act's cost-based pricing regime. Finally, RCN asserts that enforcing either proposal would entail substantial administrative burdens that would outweigh their benefits. It states that the proposed EEL restrictions are "completely impractical and would lead to needless litigation that would serve only to slow competitive entry into New York's local exchange markets" (RCN EEL Comments at p. 6).

Arguing that the Act grants CLECs the right to provide "telecommunication services" over unbundled network elements and combinations of elements, Choice One contends that any limitation on the type of traffic that may be carried over UNE combinations violates the Act. The proposed restrictions are intended to protect BA-NY's special access/private line revenues, it argues, thereby undermining the intent of the Act and the Commission's "longstanding policy of using competition to lower BA-NY's rates." (Choice One's EEL comments p. 5). It states that the restrictions would interfere with the reduction of BA-NY's special access charges. It also argues that CLECs lacking their

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own transport networks will not be able to compete effectively for small business customers (at least in the near term) if the proposed EEL restrictions are approved.

Cablevision supports staff's proposals, subject to clarification that BA-NY would provide EEL at the DS-0 level (presumably for both the loop and transport) at cost-based rates, and 1/0 multiplexing where requested.

AT&T contends that the "primarily local traffic" requirement in Staff Proposal 1 violates the Pre-filing Statement. It argues that only the loop component of the combination may be subject to the local exchange service limitation and that the multiplexing and transport components could carry both loop and access traffic, while still qualifying as an EEL arrangement.

MCI WorldCom endorses the Staff Proposal 2 and removal of all restrictions on EEL use, arguing that a rate "ratcheting" approach would promote efficient utilization of CLEC and BA-NY networks. It argues that ratcheting is a common and lawful industry practice that enables and encourages the efficient use of spare capacity on network facilities. MCI requests clarification that the appropriate rate for traffic originating on UNE loops is the UNE rate.

BA-NY believes that its tariff amendments implement the EEL as intended in the Pre-Filing Statement. However, it concedes that Staff Proposal 1 reasonably implements the intent of the EEL offering and, with several clarifications and modifications, would not oppose that proposal.

BA-NY would place no restrictions on EELs with voice grade/DS-0 loops used to serve residential and small business customers, if small businesses are defined as those with four or fewer voice grade and/or DS-0 lines. In contrast, EELs used to serve large residential aggregations such as multi-unit dwellings and college dormitories utilizing voice grade or DS-0 loops, and EELs with DS-1 or DS-3 loops would have to comply with all three



of the following tests: (i) all channels derived from these loops must be connected to a CLEC switch, (ii) loops must be used to provide solely switched local exchange and associated switched access services, and (iii) traffic must be more than 50% local.

BA-NY proposes to apply these tests prospectively, and would require periodic certification by CLECs that EEL facilities are being used in a manner consistent with these requirements (subject to BA-NY's ability to audit compliance with these terms). It contends that this approach would be easy to administer and would not be unduly burdensome. BA-NY also would provide for the attachment of unbundled DS-0 or voice grade loops to unused channel capacity in multiplexed special access/private line arrangements in the EEL tariff, without additional recurring charges other than for the loops themselves.

BA-NY opposes Staff Proposal 2, contending that it would not limit the use of EEL facilities to provide local services, and would raise significant billing and operational problems. BA-NY also contends that this proposal could not be used to replace an interstate special access facility with an EEL arrangement. It argues this would involve "changing the rates" for interstate special access facilities, and the Commission has "no power to modify such rates." (BA-NY EEL Comments at p. 10).

#### Technical Conference

The technical conference discussions revealed several shortcomings of Staff Proposal 2. Several CLECs agreed with BA-NY that this approach would involve significant billing and administrative difficulties<sup>1/</sup>. Moreover, BA-NY's clarification

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<sup>1/</sup> For example, the price for the transport components of an EEL would change as the mix of UNE and special access/private line loops attached to those transport facilities changes. Since this mix will be subject to virtually continuous alteration as loops are added and dropped, CLEC costs would change correspondingly, resulting in billing and administrative problems.

that spare capacity in multiplexed EEL or special access/private line arrangements may be utilized with no additional recurring charges accomplishes a major objective of staff's second proposal, i.e., enabling CLECs to make efficient use of their networks.

The technical conference also highlighted the need for significant loop concentration in EEL arrangements to enable CLECs to effectively use EELs to serve residential and small business customers. By enabling many loops to be connected to the transport component of an EEL, concentration would reduce the cost of transport per customer. Absent concentration, it appears that EELs will be too expensive to be used as a primary means of serving residential and small business customers.

At the technical conference, BA-NY indicated that EELs may be connected to CLEC packet (i.e. data) switches in addition to voice switches (subject to the proposed basic limitations on EEL use). Data-oriented CLECs believe, however, that this would be of little practical significance if EELs must be used "primarily" to transmit local exchange and traffic. They contend that since data transmitted via packet switches is generally interstate interexchange traffic, CLECs with data-oriented businesses would be unable to satisfy such a local exchange traffic criterion.

### Discussion

The EEL is an important service offering for the development of facilities-based local competition, and under the terms of the Pre-Filing Statement is principally geared toward fostering the development of competition in residential and smaller business markets.<sup>1/</sup> It is critical that the tariff

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<sup>1/</sup> The Pre-filing Statement commits BA-NY to offer this network configuration. EEL arrangements potentially offer CLECs an important additional means of executing a plan to enter the local exchange market.

fully support this objective. It is also desirable to minimize both the administrative burdens and the complexity of implementing and enforcing this tariff offering.

We conclude however, that BA-NY's initial proposed tariff provisions have a number of significant shortcomings. The initial proposal is complex, burdensome, and subject to multiple interpretations, all of which would make smooth implementation unlikely. In contrast, Staff Proposal 1 will accomplish the objectives of the EEL offering. This approach promotes local exchange competition, avoids burdensome restrictions and administrative requirements for CLECs and BA-NY, and prevents unintended repricing of access services. To be consistent with both the language and the intent of the Pre-filing Statement, EELs should be designed for use in providing primarily local exchange services. The EEL was intended to facilitate local exchange service competition, particularly to residential and smaller business customers, not as a low priced substitute for special access and private line services which are already competitive.

Staff Proposal 1 achieves these objectives efficiently. It requires simply that EELs with "high capacity" local loops (of DS-1 level and above) be connected to a CLEC switch that handles local traffic, and that such EELs be used to transmit primarily local exchange traffic. To maximize the benefits of the EEL in promoting competition for residential and smaller business customers, BA-NY's proposed modifications to, or interpretations of, Staff Proposal 1 are rejected. The proposed DS-0 limitations are unnecessarily restrictive and would add administrative burdens. EELs with local loops of less than DS-1 capacity will not be subject to any use restrictions.

BA-NY's tariff should include language providing for periodic CLEC certification that the use of EEL arrangements are consistent with the requirements set forth in Staff Proposal 1.

It may also permit BA-NY to audit, where warranted, the type of traffic being transmitted over EELs.

Pending the remand of 47 C.F.R. § 51.319, <sup>1/</sup> we reject arguments advanced by some CLECs that the uses for which we are making the EEL available violate the Act. In the event that the federal rules are modified to mandate unrestricted access to EEL combinations, any tariff criteria for access to EELs at UNE prices will be re-examined.

#### CONCENTRATION

In their initial comments on BA-NY's July 23, 1998 proposed tariff, TCG, MCI and the Joint Commenters objected to the absence of CLEC ability to "concentrate" loops onto interoffice transport, arguing that any such offering with only multiplexing capability is insufficient. MCI explained that multiplexing permits 24 voice grade loops to be "loaded" onto one DS-1 interoffice channel, while concentration (via GR-303 compliant equipment) permits up to 144 such loops to be transported over a DS-1 facility, greatly enhancing a CLEC's ability to serve residential and small business markets. TCG agrees that concentration would significantly reduce costs of serving loops from remote locations, describing an ability for up to 2048 subscribers to share between 2 and 28 DS-1s. Both parties point out that in its Pre-filing Statement, BA-NY committed to provide concentration (where technically feasible) in EEL type offerings.

BA-NY responded that the Pre-filing Statement provided that concentration would be available "when technically feasible." It asserts that the GR-303 technology to provision concentration over EELs is not yet deployed in New York, and is merely in trial stages in states other than New York.

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<sup>1/</sup> AT&T v. Iowa Utilities Board, 67 U.S.L.W. 4104 (1999).

The Pre-filing Statement commits BA-NY to provide EELs with concentration when technically feasible. BA-NY has not demonstrated that provisioning EELs with concentration is technically infeasible. Accordingly, BA-NY will be directed to either revise its tariff to provide for concentration, or show cause why it should not be required to do so.

#### MULTIPLEXING

In its initial comments, AT&T objected to tariff provisions that treat multiplexing "as if it were" a separate unbundled network element. Noting that the FCC has not identified multiplexing as an individual network element, it asserted that BA-NY is attempting to restrict the availability of individual network elements with this inappropriate treatment of multiplexing. AT&T requests that the Commission clarify that multiplexing is not an unbundled network element. It apparently considers multiplexing to be an "interface" between network elements. AT&T contends that "using a mux with a loop does NOT result in a 'combination' of UNEs." (AT&T EEL Comments, p.6).

BA-NY responded that this issue has nothing to do with the July 23, 1998 tariff filing, and is "clearly an issue for another day." BA-NY considers multiplexing to be a transport network element, and notes that the Commission has set a separate UNE rate for multiplexing.

Before addressing the status of multiplexing (i.e., whether it is a separate network element) we will solicit further comment from interested parties. The comments should focus on the need for, and the implications of, treating multiplexing as a separate network element. Comments should be filed within 21 days of the date of this Order and replies are due 14 days thereafter.

TRANSPORT AVAILABLE FOR EEL

Cablevision/NEXTLINK complain that the proposed EEL tariff improperly omits the option of voice-grade, DS-O level interoffice transport.<sup>1/</sup> They contend that this omission violates the Act and prior agreements between BA-NY and Cablevision/NEXTLINK, fails to fulfill BA-NY's obligations under the Pre-filing Statement, and is contrary to representations BA-NY has made to CLECs and the Commission.

BA-NY responds that it is under no legal obligation to provide any particular type of interoffice transmission capabilities as part of the EEL, contending this is a "voluntary" combination of UNEs. It points out that "there is no promise of DS-O transport" contained in the Pre-filing Statement, and disputes Cablevision/NEXTLINK's characterizations of prior commitments and representations made concerning DS-O level transport.

The Pre-filing Statement neither commits BA-NY to provide a specific type of transport in its EEL offering, nor precludes any specific type of transport. DS-O transport is used primarily to serve residential and smaller business customers (the primary focus of the EEL) and should be available in EEL arrangements. Accordingly, BA-NY is directed to revise its tariff to provide this transport option in the EEL offering.

PROPOSED RATES

Most commenters object to the rates BA-NY has proposed for the EEL offering. TCG contends that BA-NY's proposal that CLECs purchase separately each UNE component of EEL would result in absurdly high recurring and non-recurring charges. It

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<sup>1/</sup> The Joint Commenters complain that optical transport is absent from the list of available transport options for the EEL. BA-NY responds that it was not aware of desire for such transport, and is willing to explore potential technical issues concerning such arrangements.

believes this would make facilities-based service to residential and other small volume end users via EELs economically infeasible. Comptel argues that the proposed rates violate BA-NY's Pre-filing Statement commitment to provide all element combinations (short of the platform) at UNE rates. MCI WorldCom and the Joint Commenters object to the EEL Connection Charge, a monthly rate that would apply in addition to the monthly rate for the sum of the elements. These parties contend that this rate has not been justified by BA-NY, nor evaluated by the Commission.

The Pre-filing Statement commits BA-NY to provide all element combinations other than the UNE "platform" at unbundled element prices, and provides that BA-NY may seek authority from the Commission to impose charges in addition to the sum of the individual element rates for such combinations. BA-NY's proposed EEL Connection Charge (a substantial additional recurring charge) constitutes a request for such authority. We have determined to disallow the proposed charge pending review in an expedited process. Therefore, we require BA-NY to submit information justifying the proposed charge, including an analysis of the underlying costs and demonstrating the rationale for imposing the charge within ten days of the date of this Order. Copies must be served in-hand on all active parties. All factual information in the filing shall be submitted in the form of affidavits. Comments or affidavits in response should be submitted within five days of BA-NY's filing. All factual information must be in the form of an affidavit. Copies must be served on all active parties. The Office of Hearings and Alternative Dispute Resolution will determine the procedures to be followed, in light of our interest in reviewing this rate as quickly as possible.

#### CONCLUSION

With the modifications described in Staff Proposal 1, as clarified herein, and as set forth in this Order, we find that BA-NY's tariff will properly implement the provisions of the Pre-

filing Statement regarding EELs. The revised tariff must provide for loop concentration, unless BA-NY can demonstrate to the Commission's satisfaction that it is technically infeasible to provision EELs with loop concentration.

The Commission orders:

1. Bell Atlantic-New York is directed to file tariff amendments consistent with this Order within ten days, and to serve copies of the tariff amendments on all active parties to these proceedings. The tariff amendments shall become effective on twenty days' notice.

2. Bell Atlantic-New York is directed to file affidavits justifying the costs and identifying the rationale for imposing the EEL Connection Charge within ten days. Comments or affidavits in response should be filed within five days thereafter. Fifteen copies of all pleadings are to be filed with the Office of the Secretary and copies of all pleadings are to be served on all active parties.

3. Bell Atlantic-New York is directed to either provide for concentration in its tariff as set forth herein, or show cause by serving 15 copies of its pleadings with the Office of the Secretary and all active parties, within thirty days of the date this Order is issued why concentration is technically infeasible.

4. Newspaper publication is waived pursuant to Section 92(2) of the Public Service Law.

5. Interested parties are invited to comment on whether multiplexing should be determined to be a separate network element, a sub-element, a component feature, or have some other status. Fifteen copies of initial comments are to be filed in the Office of the Secretary to the Commission within twenty-one days of the date of this Order and served on all parties to this proceeding. Fifteen copies of replies must be filed within



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fourteen days thereafter and served on all parties to this proceeding.

6. These proceedings are continued.

By the Commission,

(SIGNED)

DEBRA RENNER  
Acting Secretary

EEL COMMENTS

Cablevision Lightpath, Inc.  
(Cablevision/Lightpath)

RCN Telecom Services of New York, Inc. (RCN)

Competitive Telecommunications Association (CompTel)

MCI WorldCom, Inc. (MCI WorldCom)

Intermedia Communications, Inc., e.spire Communications, Inc.  
and Telergy, Inc. (The Joint Commenters)

AT&T Communications of New York, Inc. (AT&T)

Bell Atlantic-New York (BA-NY)

INITIAL TARIFF COMMENTS

Cablevision Lightpath, Inc. and NEXTLINK New York, LLC.

RCN Telecom Services of New York, Inc. (RCN)

Competitive Telecommunications Association (CompTel)

WorldCom, Inc. (Worldcom)

Intermedia Communications, Inc., e.spire Communications, Inc.  
and Telergy, Inc. (The Joint Commenters)

AT&T Communications of New York, Inc. (AT&T)

MCI Telecommunications Corporation and MCImetro Access  
Transmission Services, Inc. (MCI)

ACI Corp. d/b/a Accelerated Connections

REPLY COMMENTS

AT&T Communications of New York, Inc. (AT&T)

Intermedia Communications, Inc., e.spire Communications, Inc.  
and Telergy, Inc. (The Joint Commenters)

Time Warner

Bell Atlantic-New York (BA-NY)